

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JOAN MALDONADO ORTA**
HECTOR L SANCHEZ COLON
Debtor(s)

CASE NO: **14-07820-ESL**

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ADELA L TORRUELLA***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$190.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$774.00 Estimated Priority Debt: \$2,000.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **1/31/201** (Dkt 55) **Plan Base: \$56,405.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:3.91%

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

- Debtor has failed to submit post-petition tax returns for evaluation.

Debtor(s) has failed to submit evidence of having filed local and federal Tax Returns 2016.

Debtor(s) must submit amended schedules (I) and (J), regarding Debtor(s) current income and current expenditures in order to substantiate the change in monthly payments. In order to Trustee properly evaluate proposed plan Debtor(s) must submit evidence of current income.

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor has failed to submit evidence of being current with post-petition DSO payments up until the month of February or the approval of the proposed plan.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to provide to devote future income tax refunds to fund the plan.

8.2 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan: Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to the use all or portion of such "Tax Refunds", Debtor(s) shall seek Court's authorization prior to any use of funds.

As per evidence submitted Debtor receives a total amount of \$2.724.00 of tax refunds (2014 r.

Errors in Caption of the Plan

- Debtor(s) failed to specify the sections that have been changed in the amended plan.

Debtor failed to specify Sections 8 as one of the sections that have been changed in the amended plan.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.

Date: February 14, 2018

CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
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/s/ Jose R. Carrion, Esq.